

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Sausalito Marin City School District

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

The People of the State of California ex rel. Xavier Becerra, Attorney General of the State of California

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): San Francisco Superior Court
400 McAllister St.
San Francisco, CA, 94102

CASE NUMBER:
(Número del Caso):

CGC-19-578227

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Garrett Lindsey, 300 S. Spring St. Ste. 1702, Los Angeles, CA 90013, (213) 269-6402

DATE:
(Fecha) **AUG 08 2019**

Clerk of the Court

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NEYL WEBB



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

1 XAVIER BECERRA
2 Attorney General of California
3 MICHAEL L. NEWMAN
4 Senior Assistant Attorney General
5 CHRISTINE CHUANG
6 Supervising Deputy Attorney General
7 GARRETT LINDSEY (SBN 293456)
8 Deputy Attorney General
9 300 S. Spring St., Ste. 1702
10 Los Angeles, CA 90013
11 Telephone: (213) 269-6402
12 E-mail: garrett.lindsey@doj.ca.gov
13 Attorneys for THE PEOPLE OF THE STATE OF CALIFORNIA

FILED
San Francisco County Superior Court

AUG 08 2019

CLERK OF THE COURT

BY: _____

Deputy Clerk

Exempt from filing fees pursuant to
Government Code section 6103.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA ex. rel. XAVIER**
14 **BECCERRA, ATTORNEY GENERAL OF**
15 **THE STATE OF CALIFORNIA,**

Plaintiff,

16 v.

17 **SAUSALITO MARIN CITY SCHOOL**
18 **DISTRICT,**

19 Defendant.

Case No. **CGC-19-578227**

**COMPLAINT FOR INJUNCTIVE
RELIEF**

1 The People of the State of California, by and through Xavier Becerra, Attorney General of
2 the State of California, allege on information and belief as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over the allegations and subject matter of the People's
5 Complaint filed in this action, and the parties to this action; venue is proper in this County; and
6 this Court has jurisdiction to enter this Judgment.

7 **PARTIES**

8 2. Plaintiff Xavier Becerra is the Attorney General of the State of California. The
9 Attorney General is the chief law officer of the state and has the duty to see that the State's laws
10 are uniformly and adequately enforced for the protection of public rights and interests. (Cal.
11 Const., art. V, § 13.)

12 3. Defendant Sausalito Marin City School District ("Defendant" or the "District") is a
13 public school district organized and existing under the laws of the State of California.

14 **FACTUAL BACKGROUND**

15 **Introduction and Summary**

16 4. The State of California and the District have a strong interest in ensuring that every
17 student in the State, regardless of his or her race or ethnicity, are treated equally in all aspects of
18 education. California and the District are entrusted with ensuring that institutions of public
19 education are adequately preparing students to fully participate in further education and the
20 economy. California and the District also have a significant interest in preparing all students to
21 learn, live, and work in a diverse, multicultural environment. To that end, the District has an
22 obligation to maintain schools that are not intentionally segregated by race, because a school
23 district intentionally segregated by race deprives students of equal protection of the laws and due
24 process. The unremedied intentional segregation of schools results in an untenable situation
25 where future policies and decisions are influenced or affected by an impermissible consideration
26 of race and ethnicity.

27 5. In November of 2016, the Attorney General's Office began an investigation to
28 determine whether the District complied with state and federal laws with respect to the

1 organization and funding of the District's schools. After a comprehensive investigation of the
2 District between 2016 and 2018, the Attorney General's Office concluded in October of 2018 that
3 the District had knowingly and intentionally maintained and exacerbated existing racial
4 segregation, and had established an intentionally segregated school.

5 6. In 2013, the District was aware that it operated racially segregated schools and aware
6 that the District had a legal obligation to reduce segregation. Despite this, the District chose to
7 locate a new K-8 school in a majority-minority community, Marin City, while providing
8 discretionary funding to a K-8 public school in a majority non-Hispanic White city, Sausalito,
9 approximately one mile away. The District was advised by community members, staff, and
10 outside consultants that establishing this new K-8 school would likely exacerbate racial
11 segregation and hinder future desegregation efforts. Further, the District was motivated to take
12 these segregative actions by a District Board of Trustees member's desire to create a separate
13 school for the District's African-American community, in knowing opposition to that
14 community's near-unanimous objection.

15 7. Despite promises that establishment of the new K-8 school would translate into cost
16 savings used to improve the new school, the District began cutting programming at the
17 intentionally segregated K-8 school within a year of its establishment. These cuts led to the loss
18 of dedicated, qualified teachers, the type of teachers that are hard to recruit and retain—losses that
19 have not been restored to date.

20 **Condition of District Prior to Marin City Consolidation**

21 8. In the 1960s, California school districts began implementing policies to ensure that
22 students were provided the opportunity to attend racially integrated schools, and that students
23 were not provided inferior education opportunities because of their race and ethnicity. In 1963,
24 the District requested assistance from the California Department of Education ("CDE") to resolve
25 issues related to racial segregation within the District's schools, particularly in relation to the
26 responsibilities created by the California Supreme Court in *Jackson v. Pasadena School District*
27 (1963) 59 Cal.2d 876. In 1964, CDE concluded that the District was racially segregated in grades
28 K-4, where students attended school sites split between Sausalito and Marin City, but that the

1 District was not racially segregated in Grades 5-8, where all students attended school at the same
2 campus. CDE recommended that the District unify the school sites into a single K-8 campus,
3 such that the District's racially segregated residential geography would not lead to racially
4 segregated schools. Ultimately, the District rearranged its facilities and programs to create a
5 school system where generally all District students of the same grade attended school at the same
6 site and the District ceased operating racially segregated schools by or before 1970. From 1965
7 to 2005, generally all District students of a particular grade level were enrolled at the same school
8 site.

9 9. In 2004, voters approved a bond funding the construction of a 180-student facility in
10 Marin City intended for students in Grades 6-8. This facility was completed in 2010, and began
11 to host a District-operated middle school program of less than fifty students, while the Sausalito
12 campus continued to host a District-operated K-5 school and a public charter K-8 school.

13 10. In December of 2010, the District engaged the Foundation Strategy Group ("FSG") to
14 conduct a study of the District's structure. In particular, the District wanted suggestions relating
15 to the use of the new middle school facility and the structure of the school district's programs.
16 FSG participated in meetings with the District's board, interviews with community members, and
17 community forums. FSG also conducted an examination of the District's entire operation. On
18 March 15, 2011, FSG stated that one of the options under consideration, closing the District-
19 operated public school offerings in Sausalito, while providing a facility to a public charter school
20 in Sausalito, and creating a separate K-8 entirely in Marin City, could drive increased racial
21 segregation and increase the concentration of students with severe needs in the District-operated
22 public school. FSG identified racial segregation as a core issue that the District should address.

23 11. At a District meeting on July 19, 2011, FSG staff appeared before the District to
24 discuss their findings. FSG stated that the District was operating a "very segregated" middle
25 school program in Marin City. In the previous academic year, enrollment at the Marin City
26 program was 78% African-American and 13% Hispanic or Latino. FSG warned that organizing
27 the District into two K-8 programs, one in Sausalito and one in Marin City, would expand racial
28 segregation from just middle school to all grades. One member of the District's Board of

1 Trustees raised concerns that some of the plans being considered resembled school segregation.
2 A different Trustee, a supporter of the plan to split the District into two K-8 schools, expressed
3 that he did not believe students residing in Sausalito would attend a K-8 school in Marin City so
4 long as a public charter school was operated in Sausalito.

5 **Decision to Implement Marin City Consolidation**

6 12. On August 9, 2011, the District received a summary of its recommendations from
7 FSG. FSG recommended that the District retain the Marin City campus as a middle school
8 program, invest in improving that program, and retain the District-operated elementary school
9 program in Sausalito. Nevertheless, the District moved forward with a general plan to
10 consolidate District-operated K-8 programs by moving the Bayside Elementary school in
11 Sausalito to the Marin City campus, and merging that school with the Martin Luther King Jr.
12 Academy middle school program in Marin City ("Marin City Consolidation").

13 13. In February of 2012, the District convened a committee to plan for the move of all
14 District-operated schools to the Marin City campus. On May 10, 2012, the committee expressed
15 a concern that moving all District-operated programming to Marin City would lead to a more
16 deeply racially segregated school District. The District agreed to discuss the issue of segregation
17 within the District at a meeting on May 24, 2012.

18 14. At the May 24, 2012 meeting, the President of the District's Board of Trustees stated
19 that the District's schools were segregated. A different District Trustee stated that the District
20 was segregated and that the plan to move all District-operated K-8 programs to Marin City would
21 increase racial segregation. One community member stated that the proposal was illegal because
22 federal law prohibited racial segregation of schools. A third District Trustee admitted that the plan
23 to create separate programs for Sausalito and Marin City was motivated by a desire to create
24 separate programs for separate communities. This Trustee was aware that one community was
25 predominately non-Hispanic White, and the other community was predominately African-
26 American and Hispanic or Latino. This Trustee also expressed it would improve community
27 relations if students in Marin City were not "shipped over" to Sausalito. Marin City is
28 approximately one mile from the District's Sausalito campus.

1 15. In December of 2012, the District received a petition with the signatures of 209
2 community members requesting that the board postpone the votes to implement the Marin City
3 Consolidation to allow for further community input, and that the proposed plan evoked racial
4 segregation. In January of 2012, the District's Superintendent wrote a letter to the Board stating
5 that there was "ZERO support from anyone in the SMCS D community for the move to occur by
6 [F]all 2013," and that the District had not considered the perspectives of the community that
7 would be impacted by the move. The District Superintendent found that there was no need from
8 a facilities perspective for the Marin City Consolidation to occur in the coming year. The District
9 Superintendent also described an interest in a merger or partnership with the Mill Valley School
10 District that could be explored. At the time, the District had an interdistrict relationship with the
11 Mill Valley School District allowing only for the transfer of students residing in a small, majority
12 non-Hispanic White northern portion of the District, which could have been modified or
13 expanded to create new education options for Marin City students. The District Superintendent
14 recommended that the Trustees postpone the votes related to the Marin City Consolidation.

15 16. In an open board meeting on January 12, 2016, a Sausalito-residing District Trustee
16 who had voted in favor of the Marin City Consolidation reflected on the lack of community
17 support for the Marin City Consolidation, and that the decision was driven by that District
18 Trustee's desires in opposition to the community the school served. "We had a big issue moving
19 Bayside over here [to Marin City]. It was not approved by the public, we got criticized coming
20 and going, and yet my feeling always was: 'Marin City needs a community school.'"

21 17. During the process leading to the votes implementing the Marin City Consolidation,
22 District officials internally developed a document explaining the motivations behind the District's
23 decisionmaking. This document apparently served as a vehicle for District officials to discuss
24 certain issues relating to the Marin City Consolidation outside of public meetings. This document
25 reveals that immediately prior to voting to implement the Marin City Consolidation: (1) the
26 District was aware of a duty to "proactively address its racial segregation and isolation," (2) the
27 District was motivated to create a separate K-8 program in Marin City because "white people
28 generally do not choose to send their children to schools with high percentages of black or brown

1 children,” (3) the District did not expect students from Sausalito to attend the consolidated K-8
2 school in Marin City, and (4) the District knew it was feasible to locate all public schools in
3 Sausalito.

4 18. On January 24, 2013, the District Trustees voted to finance and enact the Marin City
5 Consolidation. The vote to finance the Marin City Consolidation required a supermajority, and
6 received the necessary four votes. At this meeting, a District Trustee supporting the Marin City
7 Consolidation cited the existing racial segregation within the District as justification for this
8 Trustee’s dismissal of concerns that the action would increase racial segregation.

9 19. In response to community concerns related to segregation, District officials promised
10 that the Marin City Consolidation would lead to cost savings that could be invested in the Marin
11 City K-8 program. During the 2012-2013 school year, the District, in particular the interim
12 superintendent, prepared to launch an International Baccalaureate (“IB”) concept alongside the
13 Marin City Consolidation. A well-functioning IB program in grades K-8 may have acted as an
14 attractive and rigorous alternate academic program, reducing racial isolation and improving
15 academic outcomes.

16 **Conditions Following Marin City Consolidation**

17 20. Shortly following the Marin City Consolidation vote establishing Bayside Martin
18 Luther King Jr. Academy (“Bayside MLK”), the District began the search for a new
19 superintendent, choosing not to retain the interim superintendent engaged in planning and
20 implementing the IB program. On July 25, 2013, the District hired Steven Van Zant. Prior to
21 being hired, Van Zant was the superintendent of a San Diego County school district, where he
22 had engaged in an unlawful conflict of interest by authorizing charter schools in which he had a
23 prohibited financial interest. (*People v. Steven Van Zant* (San Diego Sup.Ct. Feb. 25, 2016 No.
24 CD265092) [Van Zant guilty plea].) And only ten days prior to his hiring by the District, on July
25 15, 2013, the California Court of Appeals affirmed a judgment supported by a finding that “Van
26 Zant acted to retaliate against” a school principal for reporting sexual harassment. (*Young v.*
27 *Mountain Empire Unified School District* (Cal.Ct.App. July 15, 2013 No. D061228).)
28

1 21. After Van Zant was hired by the District, he continued to manage his EdHive, LLC,
2 education consulting business and continued to reside in San Diego County, 500 miles away from
3 the District. While superintendent of the District, Van Zant arranged for a Sonoma County
4 charter school client of EdHive to operate a transitional kindergarten program in a District
5 facility. Van Zant was indicted in early 2016 relating to his actions as a superintendent in San
6 Diego County, and resigned as District Superintendent as a condition of his guilty plea.
7 According to a 2019 San Diego County Grand Jury indictment, after Van Zant resigned as
8 superintendent of the District, he became involved in a conspiracy operating across the State of
9 California to enrich himself via, *inter alia*, misrepresenting services provided by charter schools
10 and misappropriating public funds he was charged with handling. (Indictment, *People v. Sean*
11 *McManus, et al.* (Super.Ct. San Diego County May 17, 2019, No. SCD266439).)

12 22. Typically, middle school students in California public schools receiving instruction in
13 a particular subject are taught by teachers with Single-Subject credentials. In March of 2014, the
14 District under Van Zant reclassified the District's Single-Subject credentialed teaching positions
15 to Multiple-Subject credential positions starting in the Fall of 2014. The District's middle school
16 instructors had California Teaching Commission Single Subject Teaching Credentials in Math,
17 Biological Sciences, English, and Social Science. Because the District's middle school teaching
18 staff had Single Subject credentials, the reclassifying of positions effectively terminated the entire
19 middle school faculty unless they could obtain a new teaching credential by June 15.
20 Notwithstanding other elements of the credentialing process, California Teaching Commission
21 credential applications may take three to five months to process. The District also terminated its
22 Spanish teacher, necessary for the IB program, and cut music, art, physical education, and
23 counseling services. Bayside MLK's principal, the assistant principal, and about one-half of the
24 teaching staff left before or during the 2014-2015 school year.

25 23. Access to specialists in Math, Science, English, and Social Sciences is a critical
26 education resource for middle school students. Termination of these specialists harmed the
27 academic development of the District's students. The District was warned by staff of the local
28 public high school and other community members that terminating these positions would

1 negatively impact the performance of students in high school and beyond. While funding to some
2 specialist positions has been restored, as the date of filing the herein Complaint, the District has
3 yet to retain a Math, Science, English, or Social Science specialist for more than one academic
4 year.

5 24. On July 8, 2014, Van Zant presented an outline for a Memorandum of Understanding
6 between the District-authorized charter school and the District. Van Zant stated that the
7 Memorandum of Understanding was designed to distribute funding as if the District was “a two
8 school district.”

9 25. In school years 2014-2015, 2015-2016, and 2016-2017 (except for one month),
10 students attending the district-operated K-8 school did not have access to a qualified Math
11 teacher. During this period, however, the plurality White District-funded charter school offered
12 instruction from a qualified math teacher.

13 26. During the 2014-2015 school year, students in the District-funded charter school had
14 access to a full-time counselor, whereas students in the District-operated Bayside MLK only had
15 access to a .2 part-time-equivalent counselor. During this time-period, the District had the
16 greatest discipline disparity between non-Hispanic White students and Black students among
17 State of California public school districts. On average, a Black student in a District-funded
18 program lost sixty-six times as many days of instruction to suspensions as a non-Hispanic White
19 student. This difference is, in part, attributable to the disparity in availability of District-funded
20 counseling and other related programming between the two District-funded programs.

21 27. Despite the fact that the District’s Trustees freely acknowledged the operation of
22 segregated schools during the period where the Marin City Consolidation was contemplated,
23 more recently the District has refused to acknowledge that the District operates segregated
24 schools, even going so far as to refuse a request from the California Department of Education
25 (“CDE”) to evaluate whether or not the District operated a segregated school.

26 28. On October 13, 2016, the District responded to a complaint filed by concerned
27 community members under the District’s Uniform Complaint Procedure. This complaint alleged
28 that the District operated a segregated school, describing facts and conditions generally consistent

1 with the findings of the Attorney General's Office's investigation. The District's response.
2 included inaccurate demographic statistics. For example, the District stated in its October 13,
3 2016 response that in 2014-2015, Bayside MLK was "nearly 70% minority enrollment." In fact,
4 in 2014-2015 Bayside MLK had a lower than 5% enrollment of non-Hispanic White students,
5 meaning the District overstated the portion of White students enrolled at Bayside MLK more than
6 sevenfold. Other demographic information in the letter was similarly inaccurate.

7 29. On March 17, 2017, CDE directed the District to make a finding as to whether or not
8 Bayside MLK was unlawfully segregated. In an April 6, 2017 letter, the District refused, stating
9 that because Bayside MLK was the only District-operated school, that it was not feasible for the
10 District to evaluate whether or not Bayside MLK was segregated. On August 30, 2017, CDE
11 returned the complaint to the District, again instructing the District to make the factual
12 determination as to whether or not Bayside MLK was a segregated school. The District once
13 again refused to make this factual determination in an October 2, 2017 letter. The District also
14 stated that, even if operated a segregated school, it cannot employ desegregative techniques such
15 as relocating schools or consolidating schools. However, as described above, the District
16 relocated and consolidated a school just four years prior, in 2013.

17 30. The Attorney General's Office's investigation concluded that Bayside MLK was
18 racially segregated and students were not provided with equitable educational opportunities
19 needed to succeed at high school and beyond. These academic disadvantages are compounded by
20 safety, behavioral, and socioemotional harms associated with segregated schools. The District
21 has, in the past, operated a public school that provides a high-quality education to disadvantaged
22 students. In 2008, Bayside Elementary was academically successful and recognized as a
23 California Distinguished School and was a Title I Academic Achievement Award recipient.
24 However, since its establishment in 2013, Bayside MLK generally has low academic
25 achievement.

26 31. The harms of segregation follow Bayside MLK students into the predominately
27 White high schools of Tamalpais Union High School District ("Tamalpais District"). Former
28 District students describe being unprepared, academically and socially, for high school in the

1 Tamalpais District. Former District students struggle to succeed in the Tamalpais District , likely
2 caused in part by a lack of preparation and inadequate education in the District. One African-
3 American student who attended a super-majority White public middle school that “feeds” into the
4 Tamalpais District described that receiving an integrated learning experience makes transition
5 into the Tamalpais District easier. Former District students described that the known poor
6 performance of the District’s schools translated into a racially-associated stigma at the Tamalpais
7 District.

8 32. Conflicts at Bayside MLK are intensified by the fact that more than half of students at
9 Bayside MLK reside in the same public housing complex. The school’s inability to address the
10 safety and emotional needs of students feeds into negative interactions at the homes of some
11 students. The isolation and segregation of students in the same school and the same housing
12 complex generally has damaging effects to the socio-emotional development of students.

13 33. The establishment of a segregated school has had a negative impact on civil society in
14 the District. By establishing a segregated school intended for a majority-minority community, the
15 District aggravated relations between a wealthy, majority White city and a relatively poor,
16 majority-minority unincorporated community. By discrediting or disregarding the African-
17 American community’s input during the process to establish Bayside MLK, the District has
18 abused the community’s trust and discouraged community involvement in schools.

19 34. The District operated public schools that were not segregated for decades. Presently,
20 the District has authorized and provides facilities to a public charter school that is not segregated.
21 The District therefore has the ability to operate schools that are not segregated. But from its
22 establishment in 2013 to the present day, the consolidated K-8 school in Marin City has been a
23 segregated school, and was established knowing it would be a segregated school.

24 **Conclusion**

25 35. The Attorney General’s Office presented the District with its conclusions in
26 December of 2018. Beginning in January of 2019, the parties have negotiated in good faith on
27 plans and policies to remedy the findings of the Attorney General’s investigation, and have come
28 to an agreement that includes short- and long-term remedial plans. Prior to the beginning of

1 negotiations, the District had already begun to make changes to improve learning conditions at
2 the District-operated school.

3 36. The parties also engaged in a process to gather community input during settlement
4 negotiations. The community generally agrees that the District should not be operating a
5 segregated school. Community members expressed a desire that the District operate a school that
6 is attractive to the community outside Marin City, and that all students receive education from
7 appropriately qualified teachers. Community members were concerned about past District
8 management, and suggested that outside oversight and consultation was important to ensure long-
9 term success and restore trust.

10 37. Community members were concerned for students affected by the described conduct,
11 and suggested that those affected students receive future support, even if they were no longer in
12 students in District schools.

13 38. The Attorney General's Office and the District have come to an agreement to
14 develop and implement an attractive education plan for the District's entire community with the
15 goal of creating a desegregated school district. In addition to oversight by the Attorney General's
16 Office and the District, the plan will be overseen by an independent monitor who has the relevant
17 expertise and the District will be accountable to desegregative and academic goals under specified
18 timelines for a period of at least five years. As a condition of this settlement, the District will also
19 implement a compensatory support plan that includes counseling and scholarship programs for
20 students affected by past conduct.

21 39. Thus, Plaintiff respectfully requests that the Court enter Judgment as set forth in the
22 proposed Stipulated Judgment.

23 CAUSES OF ACTION

24 FIRST CAUSE OF ACTION

25 (Violation of Equal Protection Guarantee of the California Constitution)

26 40. Plaintiff realleges all paragraphs set forth above and incorporates them by reference
27 as though they were fully set forth in this cause of action.

41. The California Constitution prohibits the state government from denying a person equal protection of the law. (Cal. Cont. art. I, § 7.) Establishing or maintaining a racially segregated education system, without taking feasible steps to alleviate segregation, denies a student equal protection of the law in violation of the California Constitution.

42. A segregated education is one under which students in a racial or ethnic minority are isolated and deprived of an integrated education. All California public school districts are required to take feasible steps to alleviate segregation within their schools regardless of the cause of segregation, including if segregation is caused by preexisting residential segregation. A public entity may be held liable for segregating schools through the transfer of funds and property to other entities.

43. Defendant established and maintained a racially segregated school, Bayside - Martin Luther King Jr. Academy, and failed to take feasible steps to alleviate segregation, depriving students of an equal education opportunity and an integrated education.

SECOND CAUSE OF ACTION

(Violation of the of Equal Protection Clause of the United States Constitution)

44. Plaintiff realleges all paragraphs set forth above and incorporates them by reference as though they were fully set forth in this cause of action.

45. The United States Constitution prohibits state governments from denying a person equal protection of the law. Intentionally establishing or maintaining a racially segregated education system denies students equal protection of the law in violation of the United States Constitution. Intentionally segregated schools are inherently unequal.

46. Public school districts are prohibited from intentionally establishing or maintaining segregated school. The intent to segregate does not need to be the primary motivation, only a motivating factor. Intentionally maintaining or exacerbating segregation within a public education system is prohibited.

47. Segregation with discriminatory intent may be demonstrated by the action or inaction of public officials resulting in increased or continued segregation in public schools, motivated by an intent to segregate. Committing an act with a foreseeably segregative outcome is a strong

1 indicator of an intent to segregate. It is indicative of an intent to segregate if a California school
2 district, aware of existing segregation and the duty to desegregate, fails to take feasible steps to
3 remedy segregation. Similarly, if a California school district, aware of a duty to remedy
4 segregation, refuses to make a formal, factual finding as to whether or not segregation exists, that
5 inaction indicates the district intends to maintain segregation. Locating a school in a majority-
6 minority area with the intent that it be a neighborhood school is a strong indicator of an intent to
7 segregate. If a school district eliminates curriculum that is attractive to a more integrated student
8 body, that is an indicator of intent to segregate. A decision made contrary to usual
9 decisionmaking considerations indicates that there may be a discriminatory motive.
10 Decisions made in violation of regular order, such as a decision preceded by discussions in
11 violation of the public meeting requirement of the Brown Act, Government Code section 54950 et
12 seq., may indicate a segregative motive.

13 48. Defendants intentionally established and maintained a racially segregated school,
14 Bayside Martin Luther King Jr. Academy, depriving students of an equal education opportunity.

15 **THIRD CAUSE OF ACTION**

16 **(Violation of Government Code section 11135)**

17 49. Plaintiff realleges all paragraphs set forth above and incorporates them by reference
18 as though they were fully set forth in this cause of action.

19 50. Government Code section 11135 prohibits discrimination based on race and ethnicity
20 in state-funded education institutions.

21 51. Defendant has violated Government Code section 11135 by discriminating against
22 students of color with respect to the provision of critical education programs that result in adverse
23 disparate impact on students of color. In 2013, Defendant established and maintained a racially
24 segregated school. In 2014, Defendant eliminated critical programming at the segregated school,
25 Bayside Martin Luther King Jr. Academy, while expending funds to provide similar
26 programming at a non-segregated public school.
27
28

1 **FOURTH CAUSE OF ACTION**

2 **(Violation of Education Code section 200)**

3 52. Plaintiff realleges all paragraphs set forth above and incorporates them by reference
4 as though they were fully set forth in this cause of action.

5 53. Education Code section 200 prohibits discrimination based on race and ethnicity in
6 state-funded education institutions.

7 54. Defendant has violated Education Code section 200 by discriminating against
8 students of color with respect to the provision of critical education programs that result in adverse
9 disparate impact on students of color. In 2013, Defendants established and maintained a racially
10 segregated school. In 2014, Defendant eliminated critical programming at the segregated school,
11 Bayside Martin Luther King Jr. Academy, while expending funds to provide similar
12 programming at a non-segregated public school.

13 **PRAYER FOR RELIEF**

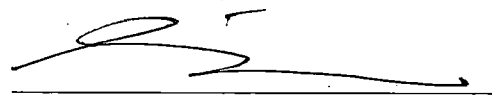
14 **WHEREFORE**, Plaintiff respectfully prays for the Court to enter judgment as follows:

- 15 1. For the Court to issue an order enjoining Defendant from engaging in the unlawful
16 practices challenged in this Complaint, requiring Defendant to implement the injunctive relief
17 provisions as set forth in the proposed Stipulated Judgment, and entering final judgment;
18 2. For the Court to exercise continuing jurisdiction over this action to ensure that
19 Defendant complies with the judgment as set forth in the proposed Stipulated Judgment;
20 3. For such other and further relief as the Court deems just and proper.

21
22 Dated: August 7, 2019

Respectfully Submitted,

23 XAVIER BECERRA
24 Attorney General of California

25 
26 GARRETT LINDSEY
27 Deputy Attorney General
28 *Attorneys for the State of California*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Xavier Becerra, Attorney General of California
 Garrett Lindsey, Deputy Attorney General (SBN 293456)
 300 S. Spring St., Ste. 1702
 Los Angeles, CA 90013
 TELEPHONE NO.: (213) 269-6402 FAX NO.: (213) 897-7605
 ATTORNEY FOR (Name): The People of the State of California

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
 STREET ADDRESS: 400 McAllister St.
 MAILING ADDRESS:
 CITY AND ZIP CODE: San Francisco, CA 94102
 BRANCH NAME: San Francisco Superior Court

CASE NAME:
 People of the State of California v. Sausalito Marin City School District

CIVIL CASE COVER SHEET

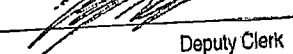
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
--	--	--

FOR COURT USE ONLY

FILED
 San Francisco County Superior Court

AUG 08 2019

CLERK OF THE COURT

BY: 
 Deputy Clerk

CASE NUMBER:
CGC-19-578227

JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

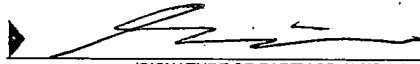
1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 4
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 8-7-19

Garrett Lindsey
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition